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POLITICAL.

Speech of Hon. J. L. Orr, OF SOUTH CAROLINA.

On the Missouri Rail Road, delivered in the House of Representatives, on the 24th February, 1852.

The speaker. The first business before the House is a bill granting the right of way and making a donation of public lands to the State of Missouri, to aid in the construction of certain railroads there in. The question immediately pending is the motion to refer the bill to the Committee of the Whole on the state of the Union; upon which the gentleman from South Carolina [Mr. Orr] is entitled to the floor.

Mr. Orr. I propose submitting a few remarks upon the bill now before the House for consideration. I have examined its provisions with great care and attention, and have come to the conclusion to cast my vote for it. I shall therefore proceed to State briefly the reasons which operated upon my mind in bringing me to that conclusion. The first question that is presented to the investigation of the House is this: Has Congress the constitutional power to make the donation contemplated in this bill? In the Constitution is the following clause:

"That Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory, or other property belonging to the United States."

I suppose that the power conferred by this clause upon the Congress of the United States is ample, full, and complete, as any other power vested by that instrument in Congress. And the only limitation to that power, in my opinion is an implied trust that the Congress, in making that disposition of the public lands, shall dispose of them in such a manner as most effectual to promote the interests of all the States. Now this bill proposes to carry out, as I conceive, the constitutional power vested in the Congress for disposing of the public lands. I do not think Congress would have the power to give away all of the public lands; for in that way the Government would not be carrying out this implied trust. By virtue of her right as the proprietor of the public domain, the Government has the right to give away one-half of the public lands, that the remaining half may be enhanced in value.

Is not that a sound principle? Is it not a correct principle? I do not design entering into an elaborate constitutional argument upon this subject; but I will quote some authorities which may satisfy the minds of gentlemen who doubt upon this point, which are more concise and infinitely better than any argument which I might make. To them I desire to call the attention especially of the members from the old States who seem to be prejudiced against this bill, because, forsooth, it does not provide for giving lands to the old States. The first authority is that of Calhoun. I need not say, Mr. Speaker, that that authority with me, perhaps has more weight than the authority of any other Statesman living or dead. Whether gentlemen agree with Mr. Calhoun in his views or not, it will be conceded by all, that he was at least a strict constructionist of the Constitution of the United States, and that he was the last man who figured in public life, who would have been disgraced by his acts to confer upon the General Government greater powers than those which the Constitution plainly gives. In this debate in 1846 in the Senate, on the bill making a donation of public lands to the State of Illinois, Mr. Calhoun participated. He said:

"The question in this case is a very simple one. We are authorized by the Constitution to dispose of the public lands. Now is a public improvement, projected either by the State, or by individuals in the State, through which it will pass, and by which the value of the public lands will be enhanced. If then, it will add to the value of our lands, ought we not to contribute to it? Would we not, as individuals, thus act? This is not a novel principle. It has been acted upon for more than twenty years. The case of the canal connecting the Illinois river with Lake Michigan, is a striking one. There, alternate sections were given to make a canal, and I suppose I can appeal with confidence to the Senators from that State, whether the lands conveyed to the United States were not disposed of afterwards readily.

"Mr. Breeze, (in his seat.) Thousands of acres were disposed of, which would otherwise never have been sold.

"Mr. Calhoun. I have seldom given a vote the result of which gratified me more than the vote which I gave on that occasion. I then presided in that chair which you now occupy, and gave the casting vote. I take to myself, therefore, some credit of that magnificent improvement. Indeed, I do think that there is a principle more perfectly clear from doubt than this one is. It does not belong to the category of internal improvements at all. It is not a power claimed by the Government as a government. It belongs to the Government as a laudable proprietor.—And I will add, that it is not only a right, but a duty, and an important duty.—Now, what has been considered an equitable arrangement between the Government and the State which may undertake an improvement passing through the public lands? Long since, it was agreed that the grant of alternate sections, was a fair contribution on the part of the United States, considered as a proprietor, and from which the United States would be a very great gainer. It appears to me to be an equitable arrangement; and I doubt whether, in any case, either of a canal or a railroad passing through the public lands the United States will not be the gainer. To that extent I am prepared to go, be the road long or short; if it be long you gain the more; if it be short, you gain the less; and you contribute in proportion to your gain."

This is one authority to which I wish especially to call the attention of members from the old States, who are disposed to raise a constitutional question against this bill. There is another authority, which I think will be considered upon this side of the House (Democratic) a very high one, from which I will read.—Gen. Cass, in that debate, in presenting the reasons why he would support the bill, said:

"This bill does not touch the question of internal improvement at all. It asserts no right on the part of this Government to lay out a road, or to regulate the construction of a road. The Federal Government is a great landholder; it possesses an extensive public domain; and we have the power, under the Constitution, to dispose of that domain; and a very unlimited power it is. The simple question is, what disposition we make of the public lands? No one will contend that we cannot give them away to a State. As the Senator from Kentucky has said, every President has signed bills asserting the principle that these lands may be disposed of by the General Government, without restriction as to the purpose of such disposition. We may bestow them for school purposes, or we may bestow a portion for the purpose of improving the value of the rest. What right have you to sit still and see your lands growing in value, through the instrumentality of individuals, without rendering any furtherance of that object? Is it the settlement of the lands that makes them valuable?"

General Cass subsequently in the same debate, in reply to a constitutional issue made by the gentleman from Alabama, (Mr. Bagby,) in a more pointed manner, maintained the constitutional power of Congress to dispose of a portion of the public domain to enhance the value of the remaining portion. He said:

"I will answer the Senator. The General Government has no power to make any railroad or canal through any State; but the disposal of a portion of the public domain to raise the value of the rest, is clearly within the power of this Government."

I find, Mr. Speaker, in the 15th volume of the Congressional Globe, another debate upon the bill granting alternate sections of the public lands to the State of Michigan, in which a number of Senators participated. I believe that at that time Mr. Niles, of Connecticut, and Mr. Bagby, of Alabama, were the only two Senators who raised the Constitutional question. In that debate Mr. Calhoun participated and said:

"As far as the Michigan bill was concerned simply giving alternate sections of the public land for the purpose of enhancing the value of the remainder. Upon this point he would say that he had not the slightest doubt that the Government not only had the right as proprietor of the public domain, to grant portions of the domain for such a purpose, but that it was the duty of the Government to do so. The Government in his opinion, ought to be ashamed of allowing their land to be enhanced in value by the exertions and at the cost of a State without contributing in some degree to produce this result."

On that occasion, Mr. Niles, in reply to these observations, charged Mr. Calhoun with inconsistency in voting for that bill, and with an abandonment of his doctrines upon the subject of internal improvement. Mr. Calhoun replied to the Senator from Connecticut as follows:

"He (Mr. C.) acted now on the principle on which he had acted from the beginning—a principle perfectly clear; and not only was it clearly the right of the Government to make these grants, but he considered that it was the duty of the Government to do so. They did not, in so doing, act in their sovereign capacity. The question of internal improvements was not at all involved, but simply that of proprietorship, whether, when anything was done to enhance the value of their lands in the vicinity of the works, they were not called on, and bound in good faith to contribute something as the proprietors."

He said, further:

"But in this, and in all cases where a road passed through the public lands, and application was made when the work had been commenced, and there was a reason-

able probability that the value of the public lands would be enhanced, he was in favor of contributing largely, and in so doing he abandoned no principle. As far as he could judge of the localities, the canal would be of vast importance. The lands intermediate between the termini would be greatly increased in value. As to the railroad, he could not express any opinion, but was desirous to see it completed, and for that purpose was willing to grant the desired appropriation, on condition only that the Government should have the use of it, when required, for the conveyance of stores and troops."

It appears that explanation did not satisfy Mr. Niles, and he expressed the conviction that there was no difference at all between voting for the Cumberland road and for giving alternate sections of the public lands, Mr. Calhoun replied:

"Mr. C. remarked, in reply, that if the gentleman could not see a distinction between the case of the Cumberland road—a work undertaken by the General Government—and the case in which the Government, in its proprietary character, works undertaken by States or individuals, he (Mr. C.) could only express his regret. To him the difference was as great as that between night and day. In the one case there was an exercise of the right of sovereignty, in the other simply that of ownership."

If I should conclude, Mr. Speaker, to write out the remarks which I am submitting, I will perhaps incorporate some other authorities. At present, I will not trouble the House by reading any more authorities with reference to that point. The description of internal improvements rejected to, as I understand, by the Republican or Democratic party, is that where the Government appropriates money out of the Public Treasury for the purpose of building roads or constructing canals in certain localities.

In the first place, it is said, and said I believe, truly, that Congress has no right to levy money upon the people of the United States; for the purpose of constructing such works. That power is not granted by the Constitution. Conceding even that the Government possessed the power, one of the strong objections, and to my mind an insuperable objection against the exercise of it, would be that you levy money indiscriminately—al over the country, upon all of the citizens, and in constructing these works of internal improvement, you benefit sections only. The advantage would be local merely. Certain portions of the country would be favored, and others would not; and is, therefore, best to leave the construction of these works to the States, who will take care of their own interests in the premises. Their citizens will be taxed for the construction of those works, and they will receive the benefit accruing by the taxation for that purpose. But does this case come within that principle? I think one gentleman, at the opening of this debate, intimated that this bill was liable to all of the objections which had been urged against the Government embarking in works of internal improvement.—There is no analogy, sir, at all.

This bill proposes to donate one half of the public lands within six miles on either side of the railroad to aid in the construction of that work. Does this reduce the revenue accruing from the sale of the public lands into the Treasury of the United States? Not a farthing; and why? Because the bill provides that when you give away alternate sections, that those reserved to the Government shall be doubled in value; and thus those which you are now trying to sell at \$1 25, lands which would remain, probably, in market for twenty, thirty, or forty years at that price, are raised in value \$2 50, with the confident assurance founded upon universal experience, that those lands will sell more rapidly at that enhanced price, than they do now at \$1 25 per acre. If this was a proposition simply to give the alternate sections without those remaining being increased in value—if, in other words, in reducing the revenue of the Treasury of the United States from the sale of the public lands—then I admit the objection of my friend from Tennessee (Mr. Jones) would be a valid one.—But that objection does not exist to this bill. It is a phantom fitting only before the imagination of my friend. That which has given rise, I suppose, to it is the fact that he sees no provision in this bill to extend lands to the old States.

I think I have demonstrated that nothing is abstracted from the Treasury by the grants for the construction of these works, and that all the resources out of which and from which the funds are to come into the Treasury, are not reduced. If this is so, how can it be charged that it is involving the Government of the United States in a system of internal improvements, which has been warred against by the Republican or Democratic party throughout all time. My friend from Tennessee, (Mr. Jones) also in the same speech intimated that it was clearly anti-Democratic, as well as unconstitutional. What are the facts? Almost every single one of the present heads or what are called leaders of the Democratic party have supported bills identical with this bill in principle, without an exception scarcely.

(CONCLUDED NEXT WEEK.)

Addison has left on record the following important sentence: "Two persons who have chosen each other out of all the species, with a design to be each other's mutual comfort and entertainment, have in that action bound themselves to be good-humored, affable, forgiving, patient and joyful, with respect to each other's frailties and imperfections to the end of their lives."

SELECTED TALES.

FOLLOWING THE FASHIONS.

BY T. S. ARTHUR.

"What is this?" asked Henry Grove of his sister Mary, lifting, as he spoke, a print from the centre-table.

"A fashion-plate," was the quiet reply.

"A fashion-plate? What in the name of wonder are you doing with a fashion-plate?"

"To see what the fashions are."

"And what then?"

"To follow them, of course."

"Mary, is it possible you are so weak? I thought better of my sister."

"Explain yourself, Mr. Censor," replied Mary, with an arch look, and a manner perfectly self-possessed.

"There is nothing I despise so much as a heartless woman of fashion."

"Such an individual is, certainly not much to be admired, Henry. But there is a vast difference, you must recollect, between a lady who regards the prevailing mode of dress, and a heartless woman, in the attire of the times of good Queen Bess. A fashionably dressed woman need not, of necessity, be heartless."

"O no, of course not; nor did I mean to say so. But it is very certain, to my mind that any one who follows the fashions cannot be very sound in the head. And where there is not much head, it seems to me there is not a superabundance of heart."

"Quite a philosopher!"

"You needn't try to beat me off by ridicule, Mary. I am in earnest."

"What about?"

"In condemning this blind slavery to a lion."

"You follow the fashions?"

"No, Mary, I do not."

"You look very much like you, then."

"Mary?"

"Nonsense! Don't look so grave.—What I say is true. You follow the fashions as much as I do."

"I am sure I never examined a plate of fashions in my life."

"If you have not, your tailor has for you, many a time."

"I don't believe a word of it. I don't have my clothes cut in the height of the fashion. They are made plain and comfortable. There is nothing about them that is put on me ely because it is fashionable."

"I beg your pardon, sir."

"It is a fact."

"Why do you have your lappels made to roll three button-holes instead of two. There's father's old coat, made, I don't know when, that rolls but two."

"Because, I suppose it's the fashion."

"Ah, exactly! Didn't I get you there nicely?"

"No, but Mary, that's the tailor's business, not mine."

"Of course, you trust to him to make your clothes according to the fashion, while I choose to see if the fashions are just such as suit my stature, shape and complexion, that I may adopt them rationally, or deviate from them, in a just and natural manner. So there is this difference between us; you follow the fashions blindly, and I with judgment and discrimination."

"Indeed, Mary, you are too bad."

"Do I speak anything but the truth?"

"I should be very sorry, indeed, if your deductions were true about my following the fashions so blindly, if indeed at all."

"But don't you follow them?"

"I never think about them."

"If you don't, somehow or other, you manage to be always about even with the prevailing modes. I don't see any difference between your dress and that of any other young man."

"I don't care a fig for the fashions, Mary," rejoined Henry, speaking with some warmth.

"So you say."

"And so I mean."

"Then why do you wear fashionable clothes?"

"I don't wear fashionable clothes—that is—"

"You have figured silk or cut velvet buttons on your coat, I believe. Let me see! Yes, now, lasting buttons are more durable, and I remember very well when you wore them. But they are out of fashion! And here your collar turned down over your black satin stock, (where, by the way, have all the white cravats gone, that were a few years ago so fashionable?) as smooth as a puritan's!—Don't you remember how much trouble you used to have; sometimes, to get your collar to stand up just so! Ah, brother, you are an incorrigible follower of the fashions!"

"But Mary, it is a great deal less trouble to turn the collar over the stock."

"I know it is now that it is fashionable to do so."

"It is, though, in fact."

"Really?"

"Yes, really."

"But when it was fashionable to have the collar standing, you were very willing to take the trouble."

"You would not have me effect singularity, sister?"

"Me! No, indeed! I would have you continue to follow the fashions as you are now doing. I would have you dress like other people. And there is one other thing that I would like to see in you."

"What is that?"

"I would like to see you willing to allow me the same privilege."

"You have managed your case so ingeniously, Mary," her brother now said, "as to have beaten me in argument, though I am very sure that I am right, and you

in error, in regard to the general principle. I hold it to be morally wrong to follow the fashions. They are unreasonable and arbitrary in their requirements, and it is a species of miserable folly, to be led about by them. I have conversed a good deal with old aunt Abigail on the subject, and she perfectly agrees with me. Her opinions you will not of course, treat with indifference!"

"No, not my aunt's. But for all that, I do not think that either she or uncle Absalom is perfectly orthodox on all matters."

"I think that they can both prove to you beyond a doubt that it is a most egregious folly to be ever changing with the fashions."

"And I think that I can prove to them that they are not at all uninfluenced by the fickle goddesses."

"Do so, and I will give myself an advocate of fashion."

"As you are now in fact. But I accept your challenge, even though the odds of age and numbers are against me. I am very much mistaken, indeed, if I cannot maintain my side of the argument, at least to my own satisfaction."

"You may do that probably; but certainly not to ours."

"We will see," was the laughing reply.

It was a few evenings after, that Henry Grove and his sister called in to see uncle Absalom and aunt Abigail, who were of the old school, and rather ultra-puritanic in their habits and notions. Mary could not but feel, as she came into their presence, that it would be rowing against wind and tide to maintain her point with them—confirmed as they were in their own views of things, and with the respect due to age to give weight to their opinions. Nevertheless, she determined resolutely to maintain her own side of the question, and to use all the weapons, offensive and defensive, that came to her hand. She was a light hearted girl, with a high flow of spirits, and a quick and discriminating mind. All these were in her favor. The contest was not long delayed, for Henry, feeling that he had powerful auxiliaries on his side, was eager to see his own positions tripped up, as he was sure that they must.

The welcome words that greeted their entrance had not long been said, before he asked, turning to his aunt,—

"What do you think I found on Mary's table, the other day, Aunt Abigail?"

"I don't know, Henry. What was it?"

"You will be surprised to hear,—a fashion-plate! And that is not all. By her own confession, she was studying it in order to conform to the prevailing style of dress. Hadn't you a better opinion of her?"

"I certainly had," was aunt Abigail's half smiling, half grave reply.

"Why, what harm is there in following the fashions, aunt?" Mary asked.

"A great deal, my dear. It is following after the vanities of this life. The apostle tells us not to be conformed to this world."

"I know he does; but what has that to do with the fashions? He doesn't say that you shall not wear fashionable garments; at least I never saw the passage."

"But that is clearly what he means, Mary."

"I doubt it. Let us hear what he says; perhaps that will guide us to a truer meaning?"

"He says: 'But be ye transformed by the renewing of your minds.' That elucidates and gives force to what goes before."

"So I think, clearly, upsetting your position. The apostle evidently has reference to a deeper work than mere external non-conformity in regard to the cut of the coat, or the fashion of the dress. Be ye not conformed to this world in its selfish principles and maxims—be ye not as the world, lovers of self more than the lovers of God—but be ye transformed by the renewing of your minds. That is the way I understand him."

"Then you understand him wrong, Mary," uncle Absalom spoke up. "If he had meant that, he would have said it in plain terms."

"And so he has, it seems to me. But I am not disposed to excuse my adherence to fashion to any passage that allows of two interpretations. I argue for it upon rational grounds."

"Fashion and rationality! The idea is absurd, Mary!" said uncle Absalom, with warmth. "They are antipodes."

"Not by any means, uncle, and I think I can make it plain to you."

Uncle Absalom shook his head, and aunt Abigail filgeted in her chair.

"You remember the celebrated John Wesley—the founder of that once unfashionable people, the Methodists?" Mary asked.

"O, yes."

"What you think if I proved to you that he was an advocate of fashion upon rational principles?"

"You can't do it."

"I can. On one occasion, it is related of him, that he called upon a tailor to make him a coat. 'How will you have it made?' asked the tailor. 'O, make it like other people's,' was the reply. 'Will you have the sleeves made in the new fashion?' 'I don't know, what is it?' 'They have been made very tight, you know, for some time,' the tailor said, 'but the newest fashion is loose sleeves.' 'Loose sleeves ah! Well, they will be a great deal more comfortable than these. Make mine loose.' 'What do you think of that, uncle? Do you see no rationality there?'"

"Yes, but Mary," replied aunt Abigail, "fashion and comfort hardly ever go together."

"There you are mistaken, aunt. Most fashionable dress-makers aim at producing garments comfortable to the wearers; and fashions which are most comfortable, are

most readily adopted by the largest numbers."

"You certainly do not pretend to say, Mary," Henry interposed, "that all changes in fashions are improvements in comfort?"

"O no, certainly not. Many, nay, most of the changes are unimportant in that respect."

"And are the inventions and whims of fashion makers," added aunt Abigail with warmth.

"No doubt of it," Mary readily admitted.

"And are you such a weak, foolish, girl, as to adopt, eagerly, every trifling variation in fashion?" continued aunt Abigail.

"No, not eagerly, aunt."

"But at all?"

"I adopt a great many, certainly, for no other reason than because they are fashionable."

"For fame, Mary, to make such an admission! I really thought better of you."

"But don't you follow the fashions, aunt?"

"Why Mary?" exclaimed both uncle Absalom and her brother, at once.

"Me follow the fashions, Mary?" broke in aunt Abigail, as soon as she could recover her breath, for the question struck her almost speechless. "Me follow the fashions! Why, what can the girl mean?"

"I asked the question," said Mary.—"And if you can't answer it, I can."

"And how will you answer it, pray?"

"In the affirmative of course."

"You are trifling, now, Mary," said uncle Absalom gravely.

"Indeed I am not, uncle. I can prove to her satisfaction and yours too, that aunt Abigail is almost as much a follower of the fashions as I am."

"For shame, child!"

"I can though, uncle; so prepare yourself to be convinced. Did you never see aunt wear a different shaped cap from the one she now has on?"

"O yes, I suppose so. I don't take much notice of such things. But I believe she has changed the pattern of her cap a good many times."

"And what if I have, pray?" asked aunt Abigail, flitting uneasily.

"O nothing, only that in doing so, you were following some new fashion," replied Mary.

"It is no such thing!" said aunt Abigail.

"I can prove it."

"You can't."

"Yes I can, and I will. Don't you remember when the high crowns were worn?"

"Of course I do."

"And you wore them, of course."

"Well, suppose I did?"

"And then came the close, low-crowned cap. I remember the very time you adopted that fashion, and thought it so much more becoming than the great tower of lace on the back part of the head."

"And so it was."

"But why didn't you think so before," asked Mary, looking archly into the face of her aunt.

"Why—because—because—"

"O, I can tell you, so you needn't search all over the world for a reason.—It was because the high crowns were fashionable. Come out plain and aboveboard and say so."

"Indeed, and I won't say any such thing."

"Then what was the reason?"

"Every body wore them, and their unsightly appearance had not been made apparent by contrast."

"Exactly! They were fashionable. But when a new fashion laughed them out of countenance, you cast them aside, as I do an old fashion for a new one. Then came the quilled border all around. Do you remember that change? And how, in a little while after, the plain piece of lace over your forehead disappeared? Why was that, aunt Abigail! Was there no regard for fashion there! And now, at this very time your cap is one that exhibits the latest and neatest style for old ladies, caps. I could go on and prove to your satisfaction, or at least to my own, that you have followed the fashion almost as steadily as I have. But I have sufficiently made out my case. Don't you think so, Henry?"

Thus appealed to, her brother, who had been surprised at the turn the conversation had taken, not expecting to see Mary carry the war home so directly as she had done, hardly knew how to reply. He, however, gave a reluctant,

"Yes."

"But there is some sense in your aunt's adoption of fashion," said uncle Absalom.

"Though not much, it would seem, in yours, if you estimate fashion by use," retorted Mary.

"What does the girl mean?" asked aunt Abigail in surprise.

"Of what use, uncle, are those two buttons on the back of your coat?"

"I am sure I don't know."

"Then why do you wear them if you don't know their use, unless it be that you wish to be in the fashion! Then there are two more at the bottom of the skirt, half hid, half seen, as if they were ashamed to be found so much out of their place. Then, can you enlighten me as to the use of these two pieces of cloth here, called, I believe, flaps?"